

Docket No.: 3042/06956

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

1. The information given herein is true, and I believe that I am the original, first and sole inventor (if only one name is listed below), or a joint inventor (if plural inventors are named below), of the invention entitled:

**System and Method for Recruitment of Candidates for
Clinical Trials While Maintaining Security**

which is described and claimed in:

- ☒ the attached specification or
- ☐ the specification in application
Serial No. ,
Filed:

1. I acknowledge my duty to disclose information of which I am aware which is material to patentability in accordance with 37 C.F.R. §1.56, including such material information which occurred between the filing date of said earlier application and the filing date of this application.

2. I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to herein.

3. As to the subject matter of this application which is common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application or in public use or on sale in the United States of America more than one year prior to said earlier application; said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application. As to the subject matter of this application which is common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any

BEST AVAILABLE COPY

application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed as to the common subject matter are also identified below.

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
----------------	------------------------	-----------------------

ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
----------------	------------------------	-----------------------

4. As to the new subject matter of the present application which is not common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in a printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of the present application, and said matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application. As to the new subject matter of the present application which is not common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this

Docket No. 304206959

invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed for the new subject matter are also identified below.

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
----------------	------------------------	-----------------------

ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
----------------	------------------------	-----------------------

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Gordon H. Coplan #19,165, William F. Oudiz, Jr. #20,569, Michael J. Swedler #18,897, S. Peter Ludwig #25,367, Paul Fields #28,298, Marc S. Gross #19,614, Harold E. Waser #22,183, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Henning #27,546, Beverly B. Goodwin #28,012, Allen C. Caparis #28,714, Martin E. Goldstein #20,868, Bert J. Leven #19,407, Henry Stansberg #22,408, Robert A. Green #28,381, Peter G. Schochter #31,562, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,488, Ira J. Levy #35,567, Joseph R. Robinson #33,448, Cheryl F. Cohen #40,361

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

SEND CORRESPONDENCE TO:

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

DIRECT TELEPHONE CALLS TO: Cheryl F. Cohen, Esq.

212-527-7700

Docket No. 3042/06959

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application or Patent of:

Docket No. 3042/0G956

James D. MARKS

Serial or Patent No: Not Yet Assigned

Filed: or Issued: Concurrently Herewith

For: **ON-LINE RECRUITMENT OF CLINICAL TRIAL CANDIDATES****VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**
SMALL BUSINESS CONCERN

I hereby declare that I am

☐
☐

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN:

ADDRESS OF CONCERN:

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

Definitions: For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **System and Method for Recruitment of Candidates for Clinical Trials While Maintaining Security**, by inventor(s) **James D. MARKS** described in

☒ the specification filed herewith☐ application Serial No. , filed☐ Patent No. , issued .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no

rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entity (37 C.F.R. 1.27)

NAME:

ADDRESS:

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

NAME:

ADDRESS:

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: James D. MARKS

TITLE OF PERSON (IF OTHER THAN OWNER): President/CEO

ADDRESS OF PERSON SIGNING: 101 West 79th Street
New York, NY 10024

SIGNATURE: 

DATE: 4/24/00

SMALL BUSINESS

REV. (VS PTO) 7/2009

BEST AVAILABLE COPY